

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	
)	
Whiteside County Landfill)	FINDING OF VIOLATION
Morrison, Illinois)	
)	EPA-5-00-20-IL
)	
Proceedings Pursuant to)	
the Clean Air Act,)	
42 U.S.C. §§ 7401 <u>et seq.</u>)	
_____)	

FINDING OF VIOLATION

The United States Environmental Protection Agency finds that Whiteside County (Whiteside), as the owner of the Whiteside County Landfill and the Prairie Hill Recycling and Disposal Facility, is violating Section 111(e) of the Clean Air Act, 42 U.S.C. § 7411(e). Whiteside County Landfill is owned by the County of Whiteside. Specifically, Whiteside has violated the New Source Performance Standards (NSPS) for Municipal Solid Waste Landfills at 40 C.F.R. Part 60, Subpart WWW. The bases for these findings are discussed more specifically below.

Regulatory Authority

1. The NSPS regulations for Municipal Solid Waste (MSW) Landfills, codified at 40 C.F.R. Part 60, Subpart WWW, apply to MSW landfills that commenced construction, reconstruction or modification, or began accepting waste on or after May 30, 1991. These NSPS regulations became effective on March 12, 1996.
2. The NSPS regulation at 40 C.F.R. § 60.2 defines "modification" as any physical change in, or change in the method of operation of, an existing facility which increases the amount of any air pollutant (to which a standard applies) emitted into the atmosphere by that facility or which results in the emission of any air pollutant (to which a standard applies) into the atmosphere not previously emitted.

3. The NSPS regulation at 40 C.F.R. § 60.751 defines "municipal solid waste landfill" or "MSW landfill" as an entire disposal facility in a contiguous geographical space where household waste is placed in or on land. An MSW landfill may be a new MSW landfill, an existing MSW landfill, or a lateral expansion.
4. The NSPS regulation at 40 C.F.R. § 60.751 defines "lateral expansion" as a horizontal expansion of the waste boundaries of an existing MSW landfill. A lateral expansion is not a modification unless it results in an increase in the design capacity of the landfill.
5. The NSPS regulation at 40 C.F.R. § 60.751 defines "disposal facility" as all contiguous land and structures, other appurtenances, and improvements on the land used for the disposal of solid waste.
6. The NSPS regulation at 40 C.F.R. § 60.752(b) requires that an owner or operator of an MSW landfill having a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters shall either comply with 40 C.F.R. § 60.752(b)(2) or calculate a Nonmethane Organic Compound (NMOC) rate for the landfill. The regulation requires the facility to recalculate NMOC emission rate annually.
7. The NSPS regulation at 40 C.F.R. § 60.752(b)(2) requires the owner or operator of an MSW landfill having a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters and having a calculated NMOC emission rate equal to or greater than 50 megagrams per year to submit a collection and control system design plan prepared by a professional engineer to the Administrator within one year of calculating the NMOC rate.
8. The NSPS regulation at 40 C.F.R. § 60.757(c) requires that the owner or operator submit a collection and control system design plan prepared by a professional engineer to the Administrator within one year of the first report in which the emission rate exceeds 50 megagrams per year. Under the regulation at 40 C.F.R. § 60.752(b)(2)(ii), this control system must be installed within 18 months of the deadline for submittal of the collection and control system design plan required under 40 C.F.R. § 60.757(c) (i.e., within 30 months of the first report in which the emission rate exceeds 50 megagrams per year).

9. The NSPS regulation at 40 C.F.R. § 60.752(b)(2)(iii)(B) requires that the owner or operator of an MSW landfill subject to the requirements of 40 C.F.R. § 60.752(b)(2) shall route all the collected gas to a control system that complies with the requirements of 40 C.F.R. § 60.752(b)(2)(iii)(A), (B), or (C).
10. The control system described in the regulation at 40 C.F.R. § 60.752(b)(2)(iii)(B) is a control system designed and operated to reduce NMOC by 98 weight percent or reduce the outlet NMOC concentration to less than 20 parts per million by volume (ppmv) dry basis as hexane at 3 percent oxygen.
11. The regulation at 40 C.F.R. § 60.752(b)(2)(iii)(B) requires that the reduction efficiency or ppmv shall be established by an initial performance test required under 40 C.F.R. § 60.8 using the test methods specified in 40 C.F.R. § 60.754(d).
12. The regulation at 40 C.F.R. § 60.8(a) requires that the owner or operator of a facility subject to NSPS (e.g., the control system described at 40 C.F.R. § 60.752(b)(2)(iii)(B)) shall conduct a performance test within 180 days after initial startup of the facility, and shall furnish U.S. EPA with a written report of the results of such performance tests.
13. The NSPS regulation at 40 C.F.R. § 60.754(d) requires that Method 25 or Method 18 be used to determine the compliance with 98 weight percent efficiency or the 20 ppmv outlet concentration, unless another method to demonstrate compliance has been approved by the Administrator.

FACTUAL BACKGROUND

14. The Whiteside County Landfill is a "municipal solid waste landfill" within the meaning of 40 C.F.R. §60.751.
15. The Whiteside County Landfill is adjacent to and contiguous with Prairie Hill RDF.
16. The Whiteside County Landfill and Prairie Hill RDF are owned by the County of Whiteside.
17. Prairie Hill RDF is operated by Waste Management.

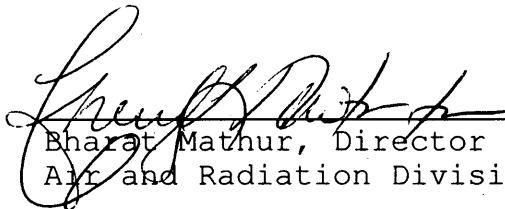
18. The opening of Prairie Hill RDF, which began accepting MSW waste in August 1996, was a "modification" of the Whiteside County Landfill within the meaning of 40 C.F.R. § 60.2.
19. The Whiteside County Landfill closed September 1992.
20. The Whiteside County Landfill has a design capacity of 1.42 Million Megagrams. Prairie Hill RDF has a maximum design capacity of 19.268 million megagrams or 21.638 million cubic meters.
21. The Whiteside County Landfill and Prairie Hill RDF together have a design capacity in excess of 2.5 million megagrams or 2.5 million cubic meters.
22. Prairie Hill RDF had an NMOC emission rate of 35.22 megagrams per year in 1997.
23. The opening of Prairie Hill RDF, which began accepting MSW in August 1996, was a lateral expansion of the Whiteside County Landfill that resulted in an increase in the design capacity of the Whiteside County Landfill, and hence was a "modification" of the Whiteside County Landfill within the meaning of 40 C.F.R. § 60.2. Therefore, Prairie Hill RDF and the Whiteside County Landfill constitute a single MSW landfill within the meaning of 40 C.F.R. §60.751.
24. Whiteside County, the owner of Prairie Hill RDF and the Whiteside County Landfill, filed its initial design capacity report and its initial NMOC emission rate report for the Whiteside County Landfill with Illinois Environmental Protection Agency on September 13, 1996. The initial NMOC emission rate report indicated that the NMOC emission rate for the Whiteside County Landfill was 152 megagrams per year (167 tons per year). Therefore, the Whiteside County Landfill was required to submit a collection and emission control system design plan no later than September 13, 1997.
25. Whiteside, the owner of the Whiteside County Landfill and Prairie Hill RDF, is subject to the requirements of 40 C.F.R. Part 60 for Municipal Solid Waste Landfills, as identified above.

26. Whiteside, the owner of the Whiteside County Landfill and Prairie Hill RDF, was required to conduct an initial performance test to establish the reduction efficiency or ppmv of its control system using test Method 25 or Method 18 no later than March 10, 2000 (180 days after installation and operation of the collection and control system).

SPECIFIC FINDINGS OF VIOLATION

27. Whiteside failed to conduct an initial performance test to establish the reduction efficiency or ppmv of its control system using test Method 25 or Method 18 by December 1999, in violation of 40 C.F.R. §§ 60.752(b)(2)(iii)(B), 60.8 and 60.754(d).
28. Whiteside failed to submit a collection and emission control system design plan to the Administrator of U.S. EPA within one year of the first report (September 1997) in which the emission rate exceeds 50 megagrams per year, in violation 40 C.F.R. § 60.757(c).

8/3/00
Date


Bharat Mathur, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Finding of Violation, No. EPA-5-00-IL-20, by Certified Mail, Return Receipt Requested, to:

Peter Petrowsky, County Engineer
Whiteside Landfill
18819 Lincoln Road
Morrison, Illinois 61270

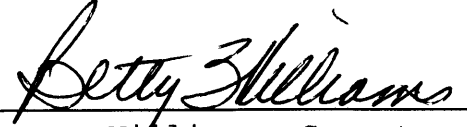
I also certify that I sent copies of the Finding of Violation by first class mail to:

David Asselmeier, Acting Section Manager
Compliance and Systems Management Section
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62702

Harish Narayan, Acting Regional Manager
Region 1
Illinois Environmental Protection Agency
1701 First Avenue - Suite 1202
Maywood, Illinois 60153

Michel Wiersema, District Manager
Prairie Hill Recycling and Disposal
Waste Management of Illinois
18762 Lincoln Road
Morrison, Illinois 61270

on the 4th day of August, 2000.


Betty Williams, Secretary
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 2199026433